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11 Attorneys for Plaintiff  
12 United States of America  
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15 IN THE UNITED STATES DISTRICT COURT  
16  
17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

19 Plaintiff,

v.

20 ROBERTO LEYVA,

21 Defendant.

22 CASE NO. 2:24-MJ-00143 AC

23 STIPULATION FOR EXTENSION OF TIME FOR  
24 PRELIMINARY HEARING PURSUANT TO RULE  
5.1(d) AND EXCLUSION OF TIME

25 DATE: November 27, 2024

26 TIME: 2:00 p.m.

27 COURT: Hon. Jeremy D. Peterson

28 Plaintiff United States of America, by and through its attorney of record, Special Assistant  
United States Attorney MATTHEW DE MOURA, and defendant ROBERTO LEYVA, individually and  
by and through his counsel of record, SHELBY ALBERTS, hereby stipulate as follows:

1. The Complaint in this case was filed on November 12, 2024, and defendant first appeared  
before a judicial officer of the Court in which the charges in this case were pending on November 13,  
2024. The court set a preliminary hearing date of November 27, 2024.

2. By this stipulation, the parties jointly move for an extension of time of the preliminary  
hearing date to December 18, 2024 2024, at 2:00 p.m., before the duty Magistrate Judge, pursuant to  
Rule 5.1(d) of the Federal Rules of Criminal Procedure. The parties stipulate that the delay is required to  
allow the defense reasonable time for preparation, and for the government's continuing investigation of  
the case. The parties further agree that the interests of justice served by granting this continuance  
outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

3. The parties agree that good cause exists for the extension of time, and that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases.

Therefore, the parties request that the time between November 27, 2024, and December 18, 2024, be excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

## IT IS SO STIPULATED.

Dated: November 22, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ MATTHEW DE MOURA  
MATTHEW DE MOURA  
Special Assistant United States  
Attorney

Dated: November 22, 2024

/s/ SHELBY ALBERTS  
SHELBY ALBERTS  
Counsel for Defendant  
ROBERTO LEYVA

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15 IN THE UNITED STATES DISTRICT COURT  
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17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

19 CASE NO. 2:24-MJ-00143 AC

20 Plaintiff,

21 [MODIFIED] FINDINGS AND ORDER  
22 EXTENDING TIME FOR PRELIMINARY  
23 HEARING PURSUANT TO RULE 5.1(d) AND  
24 EXCLUDING TIME

25 ROBERTO LEYVA,

26 DATE: November 27, 2024

Defendant.

TIME: 2:00 p.m.

COURT: Jeremy D. Peterson

17  
18 The Court has read and considered the Stipulation for Extension of Time for Preliminary Hearing  
19 Pursuant to Rule 5.1(d) and Exclusion of Time, filed by the parties in this matter on November 22, 2024.  
20 The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order,  
21 demonstrates good cause for an extension of time for the preliminary hearing date pursuant to Rule  
22 5.1(d) of the Federal Rules of Criminal Procedure.

23 Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests  
24 of justice served by granting this continuance outweigh the best interests of the public and the defendant  
25 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would  
26 not adversely affect the public interest in the prompt disposition of criminal cases.

27 THEREFORE, FOR GOOD CAUSE SHOWN:

28 1. The date of the preliminary hearing is extended to December 18, 2024, at 2:00 p.m.

2. The time between November 27, 2024, and December 18, 2024, shall be excluded from calculation pursuant to 18 U.S.C. § 3161(h)(7)(A) and § 3161(h)(7)(B)(iv), Local Code T-4.

3. Defendant shall appear at that date and time before the Magistrate Judge on duty.

IT IS SO ORDERED.

Dated: November 22, 2024

Chi Soo Kim  
CHI SOO KIM  
UNITED STATES MAGISTRATE JUDGE